

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 03CV12592REK

GAETANO P. DELUCA)
)
Plaintiff)
)
v.)
)
TOWN OF HINGHAM, HINGHAM)
BOARD OF HEALTH, PETER B.)
BICKFORD, CHAIRMAN, RAYMOND E.)
BEALE, JR., RUTH ANNE BECK,)
TREASURER/TAX COLLECTOR,)
BRUCE T. CAPMAN, EXECUTIVE)
HEALTH OFFICER and FIRST HIGH)
STREET TRUST)
)
)
Defendants)
)

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE/DENY THE
DEFENDANTS' MOTION TO DISMISS AND ANY AMENDED MOTION TO DISMISS**

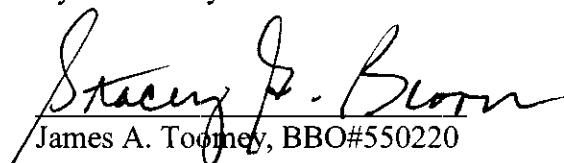
The Defendants Town of Hingham, Town of Hingham Board of Health, Peter B. Bickford, Raymond E. Beale, Jr., Ruth Anne Beck, and Bruce T. Capman, ("Defendants") file this Opposition to the Plaintiff's Motion to Strike/Deny the Defendants' Motion to Dismiss and Any Amended Motion to Dismiss. In support of its Opposition, the Defendants' state the following:

1. On September 8, 2004, at the conclusion of a status conference, the Court ordered that the Defendants' file its Supplemental Motion to Dismiss by September 30, 2004.
2. On September 30, 2004, counsel for the Defendants' Stacey G. Bloom personally filed the Defendants' Supplemental Motion to Dismiss in the drop box at the Joseph P. Moakley Federal Court House. The Defendants' Supplemental Motion to Dismiss was served on the Plaintiff by first class mail, postage prepaid, on September 30, 2004.

3. The Plaintiff's allegations that the Defendants' did not file its Supplemental Motion to Dismiss in a timely manner are factually incorrect. Had Plaintiff complied with Local Rule 7.1 requiring consultation with opposing party prior to filing a Motion with the Court, Plaintiff would have been advised of said filing of Motion by Defendants.
4. Plaintiff's Motion is the third Motion filed without complying with Local Rule 7.1. Plaintiff previously filed Motions for Defaults on January 13, 2004, and April 23, 2004, without consulting opposing counsel as required.

Wherefore, since the Defendants did comply with the September 30, 2004, filing deadline for its Supplemental Motion to Dismiss, the Plaintiff's Motion to Strike/Deny the Defendants' Motion to Dismiss and Any Amended Motion to Dismiss should be denied.

Respectfully Submitted,
Town of Hingham et al
By its attorneys



James A. Toomey, BBO#550220

William P. Breen, Jr. BBO# 558768

Stacey G. Bloom, BBO# 566800

MURPHY, HESSE, TOOMEY & LEHANE, LLP

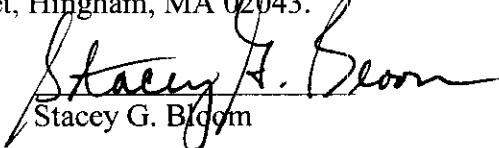
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Quincy, MA 02169

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CERTIFICATE OF SERVICE

I, Stacey G. Bloom, Esq., hereby certify that on this 4th day of October, 2004, I served a copy of the foregoing document via first class mail, upon the Gaetano DeLuca, pro se, 140 High Street, Hingham, MA 02043.



Stacey G. Bloom